

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Lawrence R. Burfitt,

Plaintiff,

v.

Case No. 1:19cv781

Brion Lawless, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on December 2, 2019 (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 4) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 4) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, the Complaint (Doc. 3) is **DISMISSED with prejudice** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1), with the exception of plaintiff’s claims against defendant Lawless for retaliation and deliberate indifference related to plaintiff’s allegations that Lawless ignored plaintiff and issued a “bogus” report against him for threatening staff after plaintiff swallowed a large number of pills on Memorial Day 2018, and against

defendants Haywood and Bowers for alleged excessive force on Memorial Day 2018.

The Court certifies, pursuant to 28 U.S.C. § 1915(e)(2)(B) that for the foregoing reasons an appeal of this Order adopting this Report and Recommendation would not be taken in good faith, and therefore, deny plaintiff leave to appeal *in forma pauperis*.

See *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett, Judge
United States District Court